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AFGHANISTAN

MONTHLY REPORT OCTOBER 2012

Afghanistan Rule of Law Stabilization Program- Formal Component

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This publication was produced for review by the United States Agency for International Development. It was prepared by Tetra Tech DPK

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ACRONYMS

ACAS	Afghanistan Court Administration System
ACT	Anti-Corruption Tribunal
CLE	Continuing Legal Education
CMS	Case Management System
COR	Contracting Officer's Representative
IT	Information Technology
INL	Bureau of International Narcotics and Law Enforcement Affairs
JSSP	Justice Sector Support Program
MOJ	Ministry of Justice
MOU	Memorandum of Understanding
RLS-Formal	Rule of Law Stabilization-Formal
ROL	Rule of Law
ROLFF-A	Rule of Law Field Force-Afghanistan
SC	Supreme Court
STTA	Short-term Technical Assistant
TOT	Training of Trainers

EXECUTIVE SUMMARY

RLS-Formal accomplished the following results and activities in October:

Judicial Education The Judicial Education component successfully conducted a week-long Continuing Legal Education (CLE) training in Kabul for 27 sitting provincial judges on Family Law, Anti-Corruption, Values and Methods of Comparative Judicial Ethics, and Gender Justice. RLS-Formal also met with Dr. Abdullah Atayee, Head of the Supreme Court Judicial Education Department, to create a curriculum committee, which will standardize teaching materials for the Judicial Stage and CLE trainings.

Court Management During the month of October, RLS-Formal's implementing partner, Afghan Telecom Corporation, installed a fiber optic network at the Supreme Court (SC). The fiber optic network will improve the efficiency and effectiveness of the SC's information and communication technology systems by providing fast, reliable and secure internet connectivity.

Legal Education The RLS-Formal Legal Education component supported five legal clinic activities and advocacy trainings at universities in Balkh, Kabul, and Nangarhar. RLS-Formal completed two study tours, one for legal clinic directors to Ain Shams University in Cairo, Egypt, and the other for female professors to Istanbul, Turkey. The project provides extensive support for practical legal education, including legal clinics, law libraries, moot courts, mock trials, and activities for students to hone advocacy and research skills in order to balance the academic focus of legal training in Afghanistan.

Public Legal Outreach The RLS-Formal Public Legal Outreach component completed a training for the Ministry of Justice (MOJ) on the National Legal Awareness Strategy (NLAS), and a training for MOJ and SC staff on radio and television production. The MoJ's Public Legal Outreach Division, with support from RLS-Formal, broadcast two television dramas and two television spots in prime time through Sabah local Afghan TV. RLS-Formal's Public Legal Outreach team also distributed 136,800 rule of law comic books to school children in Kabul. RLS-Formal conducts culturally appropriate strategic communications through mediums such as comic books and television programs in order to raise public awareness of legal rights and how to access to justice.

Gender-Related Activities RLS-Formal's Gender team collected data for the project's gender assessment. The team conducted focus groups with law and *Shari'a* students and Judicial Stage students; and phone interviews with professors from Balkh, Herat, and Kabul Universities. The RLS-Formal Gender Assessment analyzes the enabling and disabling factors to women's participation in Afghanistan's justice sector, and evaluates the assistance provided by the project since May 2010.

1.1 CAPACITY BUILDING OF THE JUDICIARY

Task 1: Continuing Support to the Judicial Stage Program

- On October 6 and 8, 2012, RLS-Formal staff met with Dr. Abdullah Atayee, Head of the Supreme Court Judicial Training Department, to address the challenges in developing uniform curriculum for the judicial Stage training and discuss effective solutions to these problems. Key points of discussion included enriching the existing curriculum with additional subject matter, standardizing training materials, and improving the practical education component of the *Stage* program. Dr. Atayee proposed forming a curriculum committee to address these issues.
- On October 16, 2012, USAID representatives Mr. Stephen Kelley and Mr. Edward Gonzalez joined the RLS-Formal Chief of Party in meeting with Dr. Abdullah Atayee. The group discussed the challenges faced by the Judicial *Stage* program in providing culturally appropriate dormitory housing for female participants. The aforementioned USAID representatives also requested support in drafting new curriculum for the Judicial *Stage* class of 2014.

Task 2: Improve Institutional Capacity of State Justice Institutions including Anti-Corruption Courts

- During the month of October, RLS-Formal staff began drafting a new curriculum on Anti-Corruption Law which will be utilized during CLE and Anti-Corruption Court (ACT) trainings. Judge Najibullah Akbari, Head of the Kabul Appellate ACT, is providing guidance and comments on the development of the new materials. RLS-Formal anticipates completing the new curriculum in November 2012 pending approval from the SC to accept this curriculum and implement it in the anti-corruption courts nationwide.

Task 3: Continue Practical Skills Training & Continuing Legal Education for Sitting Judges

- During the week of October 7 to 13, 2012, RLS-Formal conducted CLE training for 27 judges, including 19 male and 8 female judges, from Ghazni, Kabul, Khost, Laghman, Logar, Paktia, Parwan, Nangarhar and Wardak provinces. The judges attended daily instruction and workshops on Family Law, Anti-Corruption, Values and Methods of Comparative Judicial Ethics, and Gender Justice. The trainers included Judge Anisa Rasooli, Head of the Juvenile Appellate Court, Judge Najibullah Akbari, Head of the Kabul Appellate Anti-Corruption Court (ACT), Dr. Abdullah Atayee, Head of the Supreme Court Judicial Training Department and the RLS-Formal Gender Justice Advisor. This training provided judges the opportunity to increase their substantive knowledge of the law through instruction and conversation with expert practitioners.



Dr. Atayee provides instruction to provincial judges at the Kabul CLE training

1.2 CAPACITY BUILDING OF COURT ADMINISTRATORS

Task 1: Train Court Staff to Provide Professional Court Administrative Services

- On October 13, 2012, RLS-Formal and its implementing partner Afghan Telecom Corporation completed the installation of a fiber optic network at the SC. The fiber optic network aims to improve the efficiency and effectiveness at the Court by linking the SC into the Afghanistan E-governance network, smoothing communication across government agencies. The Court prioritized high-speed internet connectivity in its 5-year strategic plan in order to address data loss by working through the National Data Center and cyber theft by hosting their server at the Ministry of Communication and Information Technology.



Afghan Telecom laborer installing fiber optic cables through a manhole at the Supreme Court in Kabul

Task 2: Develop Supreme Court Capacity to Manage Budget, Personnel, and Infrastructure

- On October 17, 2012, advisors from RLS-Formal met with representatives of the INL-funded Justice Sector Support Program. The participants worked on their joint presentation to Judicial *Stage* students on how cases are tracked and managed using the Court Management System (CMS) and Afghanistan Court Administration System (ACAS). The presentation will be presented to the SC for approval in November and will focus on how the two systems help ensure fairness and transparency in civil and criminal cases through documentation of procedures and decisions from the time of arrest through final disposition. RLS-Formal coordinates with other justice sector programs in order to improve the sustainability of legal reforms by harmonizing donor efforts and eliminating duplicative activities to conserve resources.
- On October 14, 2012, RLS-Formal staff met with Mr. Rafi Alizai, Head of Supreme Court Information Communication Technology Department (ICT) to discuss the implementation of the ICT Strategic Plan. The ICT strategic plan was developed by RLS-Formal international advisors at the request of the SC to assist the Court's ICT department to streamline the ICT development planning. To further the implementation of the plan, the SC intends to showcase the ICT Strategic Plan to the international donor community in order to garner its technical and financial support.

1.3 CAPACITY BUILDING OF LAW AND *SHARI'A* FACULTIES

Task 1: Continue Implementation of Core Curriculum for Law and Shari'a Faculties

- No activity to report this period.

Task 2: Provide Practical Training for Law Students & Instructors

- On October 9, 2012, a closing ceremony was conducted for Balkh legal clinic's Street Law Program for 21 students, 10 male and 11 female, from the Law and *Shari'a* Faculties. The students successfully developed public speaking skills and learned how to implement a Street Law Program designed to educate high school students about constitutional rights, women's rights and the Afghanistan justice system. By participating in the Street Law Program, law students gained firsthand knowledge of practical teaching skills and developed their analytical, presentation, and public speaking skills while gaining knowledge of legal procedures and substantive law. For public high school students, the program promotes legal awareness by providing an introduction to the law and legal system of Afghanistan and the fundamental rights that all citizens, including women, have under the Constitution.
- On October 10, 2012, Ambassador McFarland met with Professor Saleem Saleem, Vice Dean of *Shari'a* Faculty of Kabul University, and Dean Abdul Iqar Wasel, Dean of Law Faculty of Kabul University to discuss their experiences as Legal Clinic Directors. The Ambassador inquired about the status of the new unified curriculum for the public law faculties and urged coordination with the Ministry of Higher Education (MoHE) to ensure its adoption. Ambassador McFarland also discussed with the students about their experience at Kabul University. The Ambassador inquired about their reasons for choosing to enroll either at the Law or *Shari'a* faculties, the changes that have occurred at the faculties, and their opinions regarding these changes. Lastly, Ambassador McFarland's met with Professor Haroon Mutasem, Vice Dean of Law Faculty, Professor Nasruddeen Aman, Professor of Law Faculty, and Professor Lutfulrahman Saeed, Professor of *Shari'a* Faculty and Director of the *Shari'a* Legal Clinic, to discuss student development and the overall changes occurring in legal education in Afghanistan.

- On October 13, 2012, a dissertation and thesis writing workshop commenced at Kabul University for 325 participants, comprised of 185 male and 140 female students and supported by RLS-Formal. Students have traditionally not received sufficient formal instruction on how to comply with academic writing standards. Thus, this training provides all 4th year students at the *Shari'a* Faculty of Kabul University an opportunity to learn about ethical and regulatory rules regarding academic writing.



Professor Assadullah Jahidi instructing students during the Thesis Writing Training at Kabul University's *Shari'a* Faculty

- On October 17, 2012, Kabul University hosted a ceremony commemorating the successes of the legal clinics at Kabul University Law and *Shari'a* faculties and Al Biruni University Law and *Shari'a* faculties. Twenty-four students, 14 male and 10 female, joined by deans and faculty of the respective law schools met with U.S. Ambassador Cunningham and representatives from USAID to share their experiences in the clinical program and to discuss the impact legal clinics have on providing much needed practical experience. The students described how the clinics are valuable in helping them to understand the practice of law and allow them to serve their communities by providing legal advice and education. The students appreciated donor support and requested additional assistance to improve internet access, updated legal textbooks, and transportation to justice institutions.



October 17, 2012 U.S. Ambassador Cunningham and representatives from USAID join students at Kabul University who share their experiences in the clinical program and the benefit of legal clinics

- On October 17, 2012, RLS-Formal's Legal Education embedded advisor at Nangarhar University completed the university's team selection process for the National Jessup Moot Court Competition. A written examination was administered to 60 3rd and 4th year students. The 5 top-scoring students will be placed on the moot court team that will represent the university at the 2013 Jessup Moot Court Competition in the national rounds. For 7 years, Afghanistan has participated in the Philip C. Jessup International Moot Court Competition, which is the world's largest and most prestigious moot court competition with teams competing from more than 500 law schools and 80 different countries. Students who participate in the Jessup competition improve their public speaking ability, English proficiency, legal research, writing and analytical skills, and enhance their knowledge of public international law.
- On October 22, 2012, the legal clinic instructors at Kabul *Shari'a* Faculty accompanied 15 female students to the Kabul Court of Appeals to carry out the practical skills component of their legal clinic program. The students handled client representation in four real-life cases involving child custody, divorce, alimony, and termination of engagement. While at the Court of Appeals, the students had an opportunity to discuss the cases with their clients and also met with representatives from Justice for All, a local grassroots organization providing legal aid and promoting access to justice. USAID's support for the legal clinics in Afghanistan, including Kabul *Shari'a* Faculty, improves the quality of legal education by introducing the students to a professional work environment, exposing them to ethical issues they will face in their careers, and educating them on the roles of all the actors in the formal justice system. Legal clinics will increase the capacity of the students to practice as the next generation of well-prepared prosecutors, defense attorneys, and judges.
- During the week of October 27, 2012, RLS-Formal registered five teams from Al Biruni, Balkh, Herat, Kabul and Nangarhar Universities for the Philip C. Jessup Moot Court Competition, while considering adding four new prospective Afghan university teams from Kandahar, Khost, Panjshir and Takhar. This year marks the first time that these four academic institutions are attempting to field teams for the competition. After registering all teams, RLS-Formal embedded staff will serve as coaches to train each team and prepare them for the Jessup National Competition in early January 2013. The winning team will represent Afghanistan at the annual international competition, which will be held in Washington, D.C.

Task 3: Support Scholarship and Study Abroad Programs

- On October 7, 2012, directors of legal clinics at Kabul University Law and *Shari'a* Faculty, Balkh University, Al Biruni University, and Nangarhar University returned from a week long study tour to Cairo, Egypt. The objective of the study tour was to observe how clinical programs function at Ain Shams University, and to discover how those programs prepare students for their future careers. The participants had an opportunity to observe how legal clinics were administered, how clinic directors manage participation by clinical students, and how the University has achieved sustainability for their programs. As Professor Saeed, director of the legal clinic at *Shari'a* Faculty at Kabul University said, “considering the important role that informal justice and alternative dispute resolutions (e.g. arbitration and mediation) play in Afghanistan, a model similar to the arbitration center at Ain Shams University is an ideal model for us, and we hope to start similar programs at Kabul University soon.” The study tour will promote reform among Afghanistan university legal clinics, and empower legal clinic staff to further develop their own clinical implementation strategies. With the experience the participant professors gained from this study tour, it is expected that they can increase enrollment in their clinical programs by applying best practices that were gleaned during this trip from their international counterpart universities. The Afghan participants will attempt to form partnerships through formal MOUs with the host schools they visited.
- On October 2, 2012, 4 female law professors from the Law and *Shari'a* faculties at Kabul and Balkh Universities travelled to Istanbul, Turkey for a seven-day study tour. The objective of the tour was to learn about Turkish legal education programs, curriculum, teaching and research methodologies at four Turkish universities. The study tour promoted academic relationships between Kabul and Balkh Universities and Bilgi Istanbul University, Dogus University, Bashashaheer University and Istanbul University, which the parties will attempt to formalize through MOUs. Participants visited with deans, vice deans, and professors at the Turkish universities, as well as with directors of the research center and legal clinic at Bilgi University. The Dean of Law Faculty at Istanbul University, Professor Dr. Adem Sozuer, pledged to organize a joint conference with the Afghan Law Faculties at Kabul and Balkh Universities on children’s rights. The dean also promised to translate articles written by Afghan lecturers and publish them in the Journal of Law Faculty at Istanbul University.



Female Participants in the Turkey Study Tour to discuss mutual partnership and exchange opportunities with the Dean and Professors of the Law Faculty at Dogus University in Istanbul

Task 4: Develop Advanced Legal English Training

- In October 14, 2012, legal English classes began for 82 Law and 88 *Shari'a* students. During the classroom instruction, the students learn legal terminologies, legal cases, judicial related topics and basic grammar in the English language. This session is set to end on December 31, 2012. Upon completion, the participants will be able to practice their legal knowledge in English,

participate in the mock trials, international moot court competitions, conduct internet research, benefit from Fulbright and other LLM scholarships, work with international law firms, participate in overseas study tours and directly communicate in the target language without requiring a translator.

1.4 PUBLIC LEGAL OUTREACH & AWARENESS THROUGH STRATEGIC COMMUNICATIONS

Task 1: Develop Capacity of Supreme Court and Ministry of Justice to Conduct Public Legal Outreach

- In collaboration with MoJ's Legal Awareness Department, RLS-Formal completed a National Legal Awareness Training on October 3, 2012. Eight public awareness staff, including seven males and one female, travelled from Balkh, Bamyan, Daykundi, Farah, Jowzjan, Kunar, Logar, and Panjshir provinces to attend the training. The training focused on public relations, outreach methodologies and communications, which will enable the provincial staff to develop their outreach capabilities and more effectively conduct National Legal Awareness campaigns across Afghanistan. One female participant noted upon graduation, "I have never attended any training before and after attending this five day workshop I feel comfortable. Before [this training] we did not have complete awareness about how to communicate and how to consider the communication process and it used to take us a long time. Now it may take 80 percent less time and we are very good in this regard and we have excellent understanding."
- On October 13, 2012, the Supreme Court Publications Department graduated 13 staff members from a month-long radio and television production training conducted by RLS-Formal advisors. The training focused on professional skills development in effectively utilizing studio equipment, camera interviewing techniques, and working with production editing software tools. This training helped build the capacity of counterpart staff to produce high-quality radio and television campaigns using studio equipment provided with USAID.

Task 2: Provide Equipment and Technical Assistance to Develop Public Legal Outreach Capacity

- During the week of October 20, 2012, RLS-Formal Public Legal Outreach team distributed 136,800 rule of law comic books to school children in the far reaching districts of Kabul. The RLS-Formal Public Legal Outreach Team visited the classrooms of 16 public schools, distributing comic books to 20,000 boys and 45,000 girls between the ages of 7 and 17. The five-series comic book campaign focuses on children's rights, women's rights, criminal rights, anti-corruption, an introduction to the function of the formal courts, and the role of police, prosecutors and judges within the justice system. The campaign intends to teach children and their families about their basic legal rights as citizens.



3rd grade students at a local elementary school in Kabul receive comic books informing students about the right of equal education for both girls and boys under the Afghan Constitution

- During the month of October, RLS-Formal's Print Communications/ Graphic Specialist provided technical assistance to facilitate the publication of the SC's October Special Bulletin. Meanwhile, RLS-Formal's Translation Department translated the Special Bulletin into English for publication on the SC website and for distribution to international organizations and embassies.

Task 3: Develop Capacity of Supreme Court and Ministry of Justice to Produce Radio and Television Programs

- On October 3-4, 2012, the MoJ's Public Legal Outreach division, with support from RLS-Formal, broadcast two television dramas and two television spots in prime time through Sabah local Afghan TV. The programs were broadcast across Kabul, Wardak, Logar, Parwan, Kapisa, Nangarhar, Balkh, Herat, Kandahar, Uruzgan, Nemroz, Faryab and Baghlan provinces in both Dari and Pashto languages. The twenty minute dramas addressed violence against women and inheritance rights while the one minute TV spots provided information on child labor and inheritance rights..



A screen shot taken from the MOJ 20 minute television drama on violence against women

1.5 SPECIAL GENDER-RELATED ACTIVITIES

Task 1: Support Afghan Women Judges Assembly

- No activity to report this period.

Task 2: Conduct Gender Analysis

- On October 10, 2012, the Gender Justice team conducted a one-day focus group with 12 women students at Nangarhar University law and *Shari'a* faculties to provide information to the RLS-Formal Gender Justice Assessment. Six students from each faculty, discussed barriers to women in the legal field, why they chose to study law, and what jobs they would like to have when they graduate. The students cited prestige as a predominant factor in choosing to study law.
- On October 14, 2012, the Gender Justice team conducted a one-day focus group for 12 women enrolled in the judicial stage to inform the RLS-Formal Gender Justice Assessment. Participants discussed barriers to women's entry into the stage, barriers to women becoming judges, and why they want to become judges. A major obstacle to women in the profession is a male-dominated judiciary which fails to take into account the role of women in the judicial sector.
- During the month of October, RLS-Formal's Gender Justice team completed a series of phone surveys with female professors from the Law and *Shari'a* faculties at Balkh, Herat and Kabul Universities. Women surveyed were asked about barriers they faced to becoming professors and being promoted, barriers to the quality of their work, and any discrimination they experience in their jobs. Respondents included 14 of the 19 female professors within Afghanistan Universities' Law and *Shari'a* faculties, which included 4 professors from Balkh University, three professors from Herat University, and seven professors from Kabul University.

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